

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                  V.                                ) CRIMINAL NO. 05-10059-DPW  
  )  
CHAD BENJAMIN                                )

GOVERNMENT'S MOTION TO SCHEDULE A STATUS CONFERENCE,  
TO EXCLUDE THE TIME UNDER THE SPEEDY TRIAL ACT,  
AND FOR AN ORDER ON EXCLUDABLE DELAY

The United States hereby moves the Court to schedule a Status Conference and to exclude the period from August 15, 2005 (the date of expiration of this Court's previous Order on Excludable Delay, entered on July 15, 2005), up to and including, the date of said Status Conference, from the time calculated under the Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (J).

The United States further moves the Court to exclude the period from August 9, 2006 through the Court's ruling on Defendant's Motion to Suppress Physical Evidence (the date upon which this Court took said Motion to Suppress under advisement), pursuant to 18 U.S.C. § 3161(h)(8)(A), on the grounds that such exclusion is in the best interests of justice because additional time beyond the thirty-day period was required by the Court to resolve Defendant's Motion to Suppress, due to the complexity of the issues raised, the multiple pleadings and exhibits filed, and the abundant witness testimonies taken during the suppression hearings.

WHEREFORE, the United States respectfully requests, under 18 U.S.C. §§ 3161(h)(1)(F) and (J) and §5(c)(1)(A) of the Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on August 15, 2005, and concluding on the next scheduled Status Conference date**, in computing the time within which trial must commence under 18 U.S.C. §3161. The government further requests that the Court enter an Order of Excludable Delay, and schedule a Status Conference Date.

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/Antoinette E.M. Leoney  
ANTOINETTE E.M. LEONEY  
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Dated: January 11, 2007

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts  
January 11, 2007

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, certify that I caused a copy of the foregoing to be served by electronic court filing notice to Kevin J. Reddington, Esq., Law Offices of

Kevin J. Reddington, Williamsburg Square, Suite 203, 1342 Belmont Street, Brockton, MA 02301.

/s/Antoinette E.M. Leoney  
ANTOINETTE E.M. LEONEY  
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